

Notice of Allowability

Application No.

09/560,222

Examiner

Mark Fadok

Applicant(s)

HAEBERLI, PAUL

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief dated 8/30/2005.
2. ☒ The allowed claim(s) is/are 112-118, 120-128, 130-133, 135 and 136.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/3/2005.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Response to Amendment

The examiner is receipt of applicant's Appeal Brief received 8/30/2005. After the examiner conducted an appeals conference it was decided that an amendment could be proposed to put the application in condition for allowance. The examiner proposed amended claims on 11/8/2005 and also presented two additional pieces of art to respond with remarks. Applicant replied with the amendment and remarks filed 11/28/2005 which satisfactorily over comes the cited prior art, therefore the following reasons for allowance are presented.

Drawings

The drawings filed 8/27/2001 are found to be acceptable.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 112-118,120-128,130-133,135 and 136 are allowable.

The following is an Examiner's statement of the reasons for allowance for all independent claims 112.

The present invention is directed to a method for requesting an automatic demonstration of a product feature onto a first digital image based on an analysis of the first digital image.

Independent claim 112 identifies uniquely distinct features as follows.

Claim 112:

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analyzing an attribute associated with the first digital image at the web site to determine one or more suitable product features that can be integrated with the first digital image

automatically selecting a suitable product features for integration with the first digital image.

Discussion of most relevant art:

US Patents and PG-PUB

(i) US Patent 6,017,157 to Garfinkle et al. teaches a system for processing digital images from a web site. Garfinkle, however, fails to render the application's above-mentioned limitations obvious.

(ii) US Patent 6,069,637 to Gaglione et al teaches a method and apparatus combining a first captured generated digital image and a mask representation of at least a portion of the second prestored digital image to produce a preview image. Gaglione, however, fails to render the application's above-mentioned limitations obvious.

(iii) US PG Pub 20010013896 to Anderson teaches a method digital image stamping. Anderson, however, fails to render the application's above-mentioned limitations obvious.

Foreign Patent Documents

(iv) EP 1146457 to McIntyre teaches a method for automatically determining if photos are acceptable for printing. McIntyre, however, fails to render the application's above-mentioned limitations obvious.

Non-Patent Literature

(vi) Dunham, "eCircle.com and eframes.com make it possible to share, print, and frame holiday memories", dated December 8, 1999, teaches electronically previewing photos with photo frames. Dunham, however, fails to render the application's above-mentioned limitations obvious

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner